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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,461	11/05/2001	Rick Castanho	109140-0005U	3343

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MIELE LAW GROUP
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EXAMINER

TIV, BACKHEAN

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,461

Applicant(s)

CASTANHO ET AL.

Examiner

Backhean Tiv

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/9/04.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

Claims 1-26 are pending in this application.

Information Disclosure Statement

The IDS filed on 4/1/02 has been considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 9, recites the limitation, "wherein the contact information." It is unclear what the contact information is related to. The examiner will assume that "wherein the contact information is related to messages and to the happenings."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3,4,6,9,13,14,16,17,19,22,26 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,848,396 issued to Gerace.

As per claim 1, 14 Grerace teaches a method for service specific notification(Abstract) comprising the steps of:
defining at least one service(Abstract, Figs.3B-5D, col.2, lines 1-67),
defining happenings related to each service(Abstract, Figs.3B-5D, col.2, lines 1-67),
listing recipients, recipients defined as users or other parties designated to receive messages(Abstract, Figs.3B-5D, col.2, lines 1-67),
associating the recipients with each services(Abstract, Figs.3B-5D, col.2, lines 1-67),
defining and associating contact information with each of the recipients(Abstract, Figs.3B-5D, col.2, lines 1-67),
composing specific messages for one or more of the recipients in response to one or more of the happenings occurring(Abstract, Figs.3B-5D, col.2, lines 1-67), and
in response to the occurrence of a happening, sending out the associated specific messages to the associated recipients via the contact information(Abstract, Fig.3B, col.2, lines 1-67).

As per claim 3,16, wherein the step of defining and associating contact information includes the steps of associating a message delivery means, device, and scheduled times with the recipients(Figs.3B-5D, claim 24).

As per claim 4,17, further comprising the step of recording of messages delivered, happenings, times, means for delivery and device for delivery of the messages to the recipient(Figs.3B-3D, col.2, lines 1-67).

As per claim 6,19, further comprising the step of: billing for the use of the service(col.12, lines 7-22).

As per claim 9, 22, further comprising: a database with a single central record of each user's contact information, wherein the contact information is related to messages and to the happenings(Figs.2B-5D,col.2, lines 1-67).

As per claim 13,26 further comprising the steps of writing an application program resident in a customer's computer system, wherein the application program generates a triggering message to the service(col.2, lines 1-67), entering the occurrence of a happening into the customer's computer system, in response, the customer's computing system triggers the service by sending the triggering message with information enabling the service to send out the corresponding specific messages to the listed recipients and users(col.2, lines 1-67, col.6, lines 24-58).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,848,396 issued to Gerace in view of US Patent 6,829,334 issued to Zirngibl et al.(Zirngibl).

Gerace teaches all the limitations of claims 1 and 14, however does not teach as per claim 2,15, further comprising the steps of: subscribing and un-subscribing a user to one or more services, wherein the unsubscribed user is prohibited from being associated with those services.

Zirngibl teaches further comprising the steps of: subscribing and un-subscribing a user to one or more services, wherein the unsubscribed user is prohibited from being associated with those services(claims 1,2).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teachings of Gerace to subscribe and un-subscribe users to some service as taught by Zirngibl in order to have to option to sign up for service or cancel a service.

One ordinary skill in the art would have been motivated to combine the teachings of Gerace and Zirngibl in order to provide a system to let a user sign up or cancel a service.

Claims 7,8,20,21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,848,396 issued to Gerace in view of US Patent 6,067,568 issued to Li et al.(Li).

Gerace teaches all the limitations of claims 1 and 14, however does not teach as per claim 7,20, further comprising the step of defining a set of privileges, authorizing users one of more of these privileges, and

authorizing an administrator to exercise the privileges of the user and the privileges to create and edit messages, to change the privileges afforded to a user, to manages members of a service, and to track delivery of messages to recipients.

Li teaches defining a set of privileges(Figs.5-10), authorizing users one of more of these privileges(Figs.5-10), and authorizing an administrator to exercise the privileges of the user and the privileges to create and edit messages(Figs.5-10), to change the privileges afforded to a user(Figs.5-10), to manages members of a service(Figs.5-10), and to track delivery of messages to recipients(Figs.5-10).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Gerace to defining a set of privileges, authorizing users one of more of these privileges, and authorizing an administrator to exercise the privileges of the user and the privileges to create and edit messages, to change the privileges afforded to a user, to manages members of a service, and to track delivery of messages to recipients as taught by Li in order for system administrator to configure services for a user.

One ordinary skill in the art would have been motivated to combine the teachings of Gerace and Li in order to provide a system where a person that is part of a service has more authorization than a user.

As per claim 8,21, wherein the set of privileges includes logging in, creating a member, deleting a member, enabling/disabling members, editing a member, creating an event, tracking deliveries, and assigning privileges to members(Li, Figs.5-10).

Motivation to combine set forth in claim 7.

Claims 10-12, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,848,396 issued to Gerace in view of US Patent 6,026,433 issued to D'Arlach et al.(D'Arlach).

Gerace teaches all the limitations of claims 1 and 14, however does not teach as per claim 10,23 further comprising the step of defining user and administrator interface templates and message delivery templates.

D'Arlach teaches defining user and administrator interface templates and message delivery templates(Figs.3-15; a system where one change the appearance of a website using templates).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Gerace to modify a user and administrator interface template and message delivery templates as taught by D'Arlach in order for someone to change the appearance of interface for using the service.

One would have been motivated to combine the teachings of Gerace and D'Arlach in order to provide a system where a user or administrator can change the appearance of a message or interface.

As per claim 11,24, wherein the step of defining user interface templates comprises the steps of creating and editing the presentation pages' background colors; text colors; text size and fonts; design elements; logos and links; and the substance of the information presented on each presentation page(D'Arlach, Figs. 3-15). Motivation to combine set forth in claim 10.

As per claim 12,25, wherein the step of defining the message delivery template comprises the steps of creating and changing the look and feel of the communications to the users and recipients, wherein the look and feel includes a company logo to a facsimile, adding specific customer information, layout appearance elements, links to customer web sites, and recording audio and video as appropriate to the messages(Figs. 3-15). Motivation to combine set forth in claim 10.

Claims 5,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,848,396 issued to Gerace in view of Office Notice.

Gerace teaches all the limitations of claims 1, and 14, however does not explicitly teach as per claim 5,18, further comprising the step of determining if the message is not received, and, in response thereto, re-sending the message and re-sending the message via different means and to different devices.

Office Notice is taken; it is obvious to one ordinary skill in the art to resend messages when a message is not received and resending it to the different device in order someone to receive urgent messages when one device is off or not able to receive messages.

One ordinary skill in the art would have been motivated to combine Gerace and resend messages when a message is not received and resending the message to a different device in order to provide a system where a user will receive important messages when one of the client's device is not able to receive certain messages or if the client's device is turned off.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571)272-3941. The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300.

BT
Backhean Tiv
2151
8/5/05


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER